

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
Eastern Division (Youngstown)**

Susan Beiersdorfer, *et al.*,)
Plaintiffs,)
v.) Case No. 4:19-cv-00260
Frank LaRose, Secretary of State, *et al.*,) Judge Pearson
Defendants.)
* * * *

**PLAINTIFFS' MOTION FOR SECOND ENLARGEMENT OF TIME TO
RESPOND IN OPPOSITION TO FRANKLIN COUNTY BOARD OF ELECTIONS'
MOTION TO DISMISS**

Now come Plaintiffs Susan Beiersdorfer *et al.*, by and through counsel, and move the Court for leave to respond in opposition to the Motion to Dismiss of Defendant Franklin County Board of Elections on or before March 27, 2020.

/s/ Terry J. Lodge
Terry J. Lodge, Esq.
316 N. Michigan St., Suite 520
Toledo, OH 43604-5627
(419) 205-7084
tjlodge50@yahoo.com
lodgelaw@yahoo.com
Co-Counsel for Plaintiffs

Memorandum

On February 19, 2020, Defendant Franklin County Board of Elections filed a Motion to Dismiss (Dkt. No. 78). It is a potentially dispositive motion and by the Court's local rule and the Case Management Order, Plaintiffs are required to respond by March 20, 2020. Plaintiffs mistakenly moved for, and were granted, a 15 day extension on March 5, 2020, believing that

they were required to respond to the Franklin BOE motion by March 4.

Plaintiffs' counsel have worked at length on the response, but seek a final 7-day enlargement of time. Because of the Coronavirus-related emergency measures being imposed on federal agencies such as the Nuclear Regulatory Commission, Plaintiffs' counsel has had to prioritize an important matter related to a pending licensing case at the NRC, and consequently has not been able to complete preparation of the response to the Franklin BOE Motion.

Defendants Meigs, Athens and Medina counties have also filed dispositive motions alleging similar grounds to Franklin's that require response from Plaintiffs by about April 2, 2020, so granting the instant request should not unduly delay the Court's determination of all outstanding requests for dismissal.

Plaintiffs' counsel sought to consult on this motion via email with the Franklin County Board of Elections' counsel on Thursday afternoon, March 19, 2020, but the assigned assistant prosecutor did not respond.

WHEREFORE, Plaintiffs pray the Court grant them until March 27, 2020 by which time to respond to Franklin County Board of Elections' Motion to Dismiss.

/s/ Terry J. Lodge
Terry J. Lodge, Esq.
Co-Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on March 19, 2020, I deposited a copy of the foregoing Motion in the Electronic Case Filing system maintained by the Court, and that according to protocols of the system, it was electronically served upon all counsel registered to receive electronic filings.

/s/ Terry J. Lodge
Terry J. Lodge, Esq.
Co-Counsel for Plaintiffs